

The Sydney Morning Herald.

TERMS OF SUBSCRIPTION.

Sydney, £3 per annum; Country, £3 10s.; 10s. due for payment in advance.

VOL. XXV.

FRIDAY, MAY 18, 1849.

No. 6714

CASE TERMS FOR ADVERTISEMENTS.

STEAM TO MELBOURNE AND LAUNCESTON.

CALLING AT BORN AND BOYD, TWOFOLD BAY, THE IRON STEAM SHIP SHAMROCK, George Gilmore, Commander, will sail for the above ports on FRIDAY, 1st June, at 5 p.m.

JAS. PATERSON,

Secretary, H. R. G. N. Co.'s Wharf.

8173

FIRST VESSEL FOR MELBOURNE DIRECT.

THE fine schooner PHOEBE, Alexander Collier, master, having the principal part of her cargo engaged, will have quick despatch.

Freight or passage, having superior accom-

modation, to be paid to the Captain, on board; or to

SHIPPARD AND ALGER, Packet Office, 470, George-street.

FOR MELBOURNE, PORT PHILLIP.

THE packet brig CHRISTINA, Saunders, master, will sail for the above-named port, on THURSDAY, the 22nd instant. For freight or passage apply to the master, on board, at the Sydney Flout Wharf; or to

SMITH, BROTHERS, AND CO.,

Packet Office, 470, George-street.

FIRST VESSEL FOR ADELAIDE.

THE noted clipper PHANTOM, 224 tons, Henry T. Fox, commander, having the greater portion of her cargo engaged will have quick despatch. For freight or passage, having every accommodation, with splendid staterooms for ladies, apply on board, at the Circular Wharf; or to

SHIPPARD AND ALGER, Packet Office, 470, George-street.

8174

FOR ADELAIDE DIRECT.

(TO CALL WITH DESPATCH, HAVING MUCH OF HER CARGO ENGAGED.)

THE fine British brig AUGUSTUS, 400 tons burthen, Thomas Rees, master, commander, offers an unusually good opportunity to shippers of horses; has spacious accommodations for cabin, intermediate, and average passengers. Apply to

SHIPPARD AND ALGER, Packet Office, 470, George-street.

8175

FOR ADELAIDE DIRECT.

(TO CALL WITH DESPATCH, HAVING MUCH OF HER CARGO ENGAGED.)

THE fine British brig AUGUSTUS, 400 tons burthen, Thomas Rees, master, commander, offers an unusually good opportunity to shippers of horses; has spacious accommodations for cabin, intermediate, and average passengers. Apply to

SHIPPARD AND ALGER, Packet Office, 470, George-street.

8176

FOR ADELAIDE DIRECT.

THE fine new brig WILD IRISH GIRL, 180 tons register, Johnson, master, is now receiving cargo for the above port, and will proceed with all despatch. For freight or passage apply on board, at the Flout Wharf; to

MESSRS. MONTRIPORE, GRAHAM, &c., &c.

on, to

R. T. FORD, 8, Bridge-street.

FOR SAN FRANCISCO, CALIFORNIA.

THE fine teak-built brig E. G. I. A., 191 tons register, Johnson, master, is now receiving cargo for the above port, and will proceed with all despatch. For freight or passage apply on board, at the Flout Wharf; to

MESSRS. THACKER AND CO.;

Packet Office, 470, George-street.

8177

FOR CALIFORNIA.

THE fast-sailing new schooner ALBION,

John Hobson, master, will sail for San Francisco on 26th instant.

For freight or passage apply to

S. WILKINSON, Junr., Macquarie-place.

8178

FOR CALCUTTA DIRECT.

NOTICE TO SHIPPERS OF HORSES BY THE ROYAL SAXON.

IN consequence of the

Household Meeting, the horses by the above vessel

will not be embarked before the 16th or 19th, and the vessel will sail on the 20th instant.

For freight or passage parties are invited to inspect the vessel, alongside the Wharf, and apply to

R. T. FORD, 8, Bridge-street.

8179

FOR LONDON.

FOR WOOL AND PASSENGERS ONLY.

THE fast-sailing A1 Barque THOMAS HENRY, 351 tons register, George Jux, Commander, having the greater portion of her cargo on board, will sail about the 1st June. She offers an eligible conveyance for passengers, and carries a Surgeon.

For freight or passage apply on board, at

CAMPBELL'S WHARF;

Or, to

LYALL, SCOTT, AND CO.

8180

FOR LONDON.

FOR WOOL AND PASSENGERS.

THE fine fast-sailing A1 Barque JULINDUR, 530 tons register, H. Burn, Commander.

This vessel having the greater portion of her cargo on board, will sail positively on the 1st June. She offers an eligible conveyance for passengers, and carries a Surgeon.

For freight or passage apply on board, at

CAMPBELL'S WHARF;

Or, to

BROWN AND CO.;

or to

GILCHRIST AND ALEXANDER.

May 12. 7591

FOR LONDON.

FOR WOOL AND PASSENGERS.

THE fine fast-sailing A1 Barque T. A. G. L. O. N. I., 351 tons register, C. R. Jolliffe, commander, is now taking in cargo, and will have quick despatch. Apply to

FLOWER, SALTING, AND CO.;

or to

GILCHRIST AND ALEXANDER.

May 12. 7590

FOR FREIGHT, SALE, OR CHARTER.

THE fine fast-sailing first-class brigantine ROYAL SOVEREIGN, 234 tons O.M. or 159 tons N.M., Francis Caddell, commander.

For further particulars apply to

R. TOWNS.

Towns' Wharf, May 15. 8058

FOR CHARTER.

THE fast-sailing A1 Barque QUINTIN LEITCH, 613 tons register, L. P. Morrison, master, Commander. Has lofty tween decks, and is well adapted for carrying horses. Apply to

GILCHRIST AND ALEXANDER.

May 15. 8177

FOR SALE BY PRIVATE CONTRACT.

THE brig LADY MARY PELHAM, 185 tons register, just arrived from Port Fairy. This vessel underwent a small extensive repair in Launceston last year, and will be found in an efficient state for employment in any trade for which she is adapted.

For terms and particulars apply to

HENRY MOORE.

Miler's Point, May 15.

Should the Lady Mary Pelham not be disposed of when the discharge of her inward cargo is completed, she will be open for engagement to proceed to New Zealand.

1st June, at 5 p.m.

JAS. PATERSON,

Secretary,

H. R. G. N. Co.'s Wharf.

8178

FIRST VESSEL FOR MELBOURNE DIRECT.

THE fine schooner PHOEBE, Alexander Collier, master, having the principal part of her cargo engaged, will have quick despatch.

Freight or passage, having superior accom-

modation, to be paid to the Captain, on board; or to

J. B. METCALFE.

May 18. 8179

CUTTER FOR SALE.

FOR SALE, a Cutter, of

about 40 tons burthen, now lying at

South Devon, ready for sea, and well

equipped. Apply to

CHARLES COBB, commander.

Packet Office, 470, George-street.

8180

FOR FREIGHT OR CHARTER.

THE fine new barque ELIZABETH ARCHIE, Al for 12 years, 225 tons,

Master, Charles Cobb, commander. Apply to the Captain, on board; or to

J. B. METCALFE.

May 18. 8181

CUTTER FOR SALE.

FOR SALE, a Cutter, of

about 40 tons burthen, now lying at

South Devon, ready for sea, and well

equipped. Apply to

CHARLES COBB, commander.

Packet Office, 470, George-street.

8182

CUTTER FOR SALE.

FOR SALE, a Cutter, of

about 40 tons burthen, now lying at

South Devon, ready for sea, and well

equipped. Apply to

CHARLES COBB, commander.

Packet Office, 470, George-street.

8183

CUTTER FOR SALE.

FOR SALE, a Cutter, of

about 40 tons burthen, now lying at

South Devon, ready for sea, and well

equipped. Apply to

CHARLES COBB, commander.

Packet Office, 470, George-street.

8184

CUTTER FOR SALE.

FOR SALE, a Cutter, of

about 40 tons burthen, now lying at

South Devon, ready for sea, and well

equipped. Apply to

CHARLES COBB, commander.

Packet Office, 470, George-street.

8185

CUTTER FOR SALE.

FOR SALE, a Cutter, of

about 40 tons burthen, now lying at

South Devon, ready for sea, and well

equipped. Apply to

CHARLES COBB, commander.

Packet Office, 470, George-street.

8186

CUTTER FOR SALE.

FOR SALE, a Cutter, of

about 40 tons burthen, now lying at

South Devon, ready for sea, and well

equipped. Apply to

which they have now asked by the Colonial Government, compensation, and so on, has been denied, and the sum of money which they have given up.

Mr. WENTWORTH:—Allusions had been made to him in the course of the debate, and although he did not deny that he might have been elected as a member of this court, he could safely say he had no recollection of the honour conferred upon him, and would unhesitatingly assert that he had a very distinct conviction that he had never been in it. (Cheers, and great laughter.) He was the more readily induced to believe that he had been elected a member of the court, because he was informed by his honorable and learned colleague, the member for Sydney, that his name had been proposed as an amendment to that of some other gentleman proposed by the Government, and in whom it appeared the House had less confidence than it had in himself. He could easily imagine circumstances in which such a proposal, by virtue of the Court's place of very short in the power of this unconstitutional tribunal, and the fact that he might not have submitted to a man who, though enjoying the qualifications of a liberal education, and generally knowledge. It is selected under a system, by which those who have any professional requirements, admitted in the political world, are often excluded from it. Even the advantages which might derive from experience acquired in a particular trial, or from previous discussions, were not always served diligently, and to good purpose, it depends on chance whether he will specially be called upon to act in any case. He could easily conceive that, under the present system, the previous exhibitions of his qualifications for the duty of being a member of the court, would be of little value.

“ Of this incompetency to deal in a satisfactory manner with questions, which could be properly investigated by men but persons of considerable legal experience, and at the same time, of great inclination for the office (laughter), he would propose Mr. Darwall and Mr. James Macarthur as the members of the court.

After some short discussion, entirely irrelevant to the merits of the gentlemen proposed, the motion was carried by a majority of 14 to 7. STANDING ORDERS.

The COLONIAL SECRETARY moved, “ That a Committee, consisting of nine members, be appointed to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the business of this Council, —such Committee to report not later than this day week.” He found it necessary to adopt this course, under the 27th clause of the Act, the Council was obliged to frame such rules for the guidance of its members, and the Standing Orders adopted by the late Council provided that the Standing Orders then framed should have effect only till the meeting of the next Council.

The motion having been carried, The COLONIAL SECRETARY moved, “ That the following gentlemen be appointed members of such Committee; that is to say: The SPEAKER, the ATTORNEY-GENERAL, Mr. COOPER, Mr. PARKER, Mr. JAMES MACARTHUR, Mr. LOWE, Mr. DONALDSON, and the COLONIAL SECRETARY.”

The most of almost all the evil being, therefore, according to the Report, incompetency, the committee consented it their duty to begin by providing for some degree of knowledge and skill in the judges.

Carried. CHAIRMAN OF COMMITTEES.

The COLONIAL SECRETARY moved, “ That Henry Watson Parker, Esq., be the Chairman of the Committee of the whole Council during the Sessions. Carried.

BUSINESS OF THE COUNCIL.

The COLONIAL SECRETARY moved, “ That the Wednesday, Thursday, and Friday, in each week, be the days upon which the Council shall meet for the despatch of business. Carried.

The COLONIAL SECRETARY moved, “ That Wednesdays and Thursdays in each week be set apart for Government business. The only object of his motion was, that Government business should take precedence on those days. Carried.

The Council adjourned till Tuesday, at three o'clock.

Law INTELLIGENCE.

SUPREME COURT.—THURSDAY.

Bronx Hon. Sir ALFRED STEPHEN, and a Jury of four.

CRAIG E. WILSON.

Mr. BROADBENT said, that this was an action for false imprisonment, and to which the defendant had not pleaded. He said it was a gross case, and one that ought to be marked by the Jury in giving exemplary damages. It appeared that the plaintiff kept a store at Grange, in the Clarence River district, and that the defendant was a Clerk of the Bench held there. The latter imagining that the plaintiff had committed perjury, caused him to be arrested, and was taken before the Bench, and committed to jail. The plaintiff was released, and the defendant was remanded to the Attorney-General, as to the bail, that he might be tried for the same. The plaintiff was taken by habeas corpus refused to stand it. However, ultimately the Attorney-General refused to prosecute, and the plaintiff was then released from his incarceration.

After His Honor had summed up, the jury without retiring, assessed the damages at £100.

Mr. SMITH was the plaintiff's attorney.

HANWELL & ELIA WILLIAMSON AND ANOTHER.

Mr. PARKER for the plaintiff, said, this was an action by the plaintiff to recover a bill of costs against the defendant for work and labour done upon her retainer. She had pleaded, simply denying the debt. It appeared the amount claimed was only £12 6s. 9d., and was incurred as follows:—The plaintiff had been the solicitor of the defendant for some time, and as such had been transacting some business for her in the Court of Common Pleas, and defendant owned the plaintiff's sum of money. To pay off (the principal amount did not appear) and other small debts to other persons, the defendant wrote an order for £28 upon Mr. Norton, the solicitor, in favour of our Hercules Watt, entrusting him with the payment, on her behalf, of the plaintiff's and the other persons' claims. Watt got the order cashed, but instead of paying these debts, pocketed that proceeds. The plaintiff again went to her client, and eventually it was discovered that Watt had not been honest. However, when taxed with his dishonesty, he resorted to lying, saying at the time he never got the money from Mr. Norton, and at others, that he had paid the plaintiff's claim on the defendant out of the proceeds. This the plaintiff denied. To recover back this sum of £28 from Watt, the now defendant sued him, and the now plaintiff, as her attorney, prosecuted the action, and in respect of the costs of that suit, the plaintiff sued him to recover the amount of costs he sued him for, and the defendant's retainer of the plaintiff, and letters of credit were put in and relied upon.

Mr. ALLEN could at least see one good reason for voting constitutionally in favour of the motion of the honorable Colonial Secretary. That honorable gentleman had told them that a petition against the election of one of the members of that House was to be referred to the court—that in fact there was a case pending. Would the Council yield the whole enquiry into this case into the hands of the Government? Would they consent that one of their own members should be tried without doing him as much justice as they were able? And yet this was what honorable members on the other side proposed to do.

The COLONIAL SECRETARY would only offer a few remarks in reply to the objections that had been made to his motion, and he had the honour to propose to the House, if he understood the argument of the honorable gentleman opposite, and particularly that of the honorable member for Cook, it was that the majority of the members of this court were elected by officers of the Government, one by the Chief Justice, and two by the Governor, and that that appointment by such officers, this taking out of the hands of the Council, to decide by whom other members of the body of disputed elections, illegal and unconstitutional. This, if their arguments amount to anything, was the sum and substance of it. And what was the remedy they had chosen to adopt for it? To make the Government not appoint a part, but to appoint the whole of the members of the court. If the constitution of this Act was so very illegal, why not have brought in an Act to amend the clause under which it was originally constituted? They had not even attempted to be introduced into the Council; and in electing the two members to the court, which the House were only performing a statutory duty—a duty imposed upon them by an Act which had passed into law. If there were any thing unconstitutional in that law, the dignified course would have been to shirk and avoid the law, but to alter it. No doubt, he had been observed by honorable and learned gentlemen on the other side, there was an alternative left to the Government. It might nominate the other members of the court, upon the evidence given, where the nature of the evidence was, that the plaintiff had done some difficulty in the case. His Honor then went into the facts, to show that Alastair must have been mistaken, at any rate in his affidavit, and that he was contradicted in his affidavit of the day before, what he had written about the same matter. His Honor said, this was just the kind of case, considering the nature of the evidence given, where the plaintiff would do well to look to the probabilities of the case. Testing the defendant's view of the action referred to in the evidence, in that way, it seemed to him highly improbable that the plaintiff could have been guilty of the charge of perjury, as suggested by the defendant. Why, it might be asked, should he do so? what pecuniary benefit could he hope to derive from such a step? However, it was for them, the Jury, upon the whole evidence, and upon the probabilities of the case, to say whether under the circumstances, the defendant was indebted to the plaintiff or not, and so find their verdict.

The SPEAKER put the motion, and de-

clared the vote to have it, on which the following division took place:

Ayes Nos.

Colonial Secretary Mr. DUNN

Attorney-General Mr. LOVE

Auditor-General Mr. SUTTOR

Collector of Customs Mr. GASKIN

Mr. TERRY Mr. MARTIN

James Macarthur Mr. FITZGERALD

William Macarthur Mr. NICHOLS

Parker Mr. COPPER (teller)

Allen

Ioley

Macintyre

Commander of Forces Mr. COPPER

Colonial Treasurer (teller)

13 8

The Jury retired for a short time, and found a verdict for the defendant, and for the plaintiff.

CASE LIST FOR TO-DAY.—Cherryton v. Fisher; Hayward v. Keane.

PARRAMATTA QUARTER SESSIONS.

WEDNESDAY, MAY 16.

Bronx Hon. Sir ALFRED STEPHEN, Esq., GILBERT ELLIOT, Esq., P. M. MATTHEW ANDERSON, G. B. SUTTOR, and J. B. BETTINGTON, J.P.s.

Joseph Asbourn pleaded guilty to a charge of stealing an orange skin mat, the property of Mr. Dunn, innkeeper, of Parramatta. Sentence—six months hard labour in iron.

Margaret Wade pleaded guilty to a charge of breaking an orange skin mat, the property of Mr. Dunn, innkeeper, of Parramatta. Sentence—four months hard labour in iron.

Patrick Murphy, labourer, of Windsor, was charged with a robbery, accompanied by violence. The prisoner pleaded not guilty, and was defended by Mr. Purefoy. The evidence in this case was to the following effect:—It appeared that Owen Mulherin, a farmer near Windsor, and Catherine, his wife, left home for the purpose of attending the Windsor Races on the 18th April last, and asked to be shown a handkerchief, which was shown to her by the shop boy; but she did not take it, saying it was too small. The prisoner left the shop, and was followed shortly afterwards by the lad, who found the stolen property with her. Sentence—four months hard labour in iron.

John Murphy, labourer, of Windsor, was charged with a robbery, accompanied by violence. The prisoner pleaded guilty, and was defended by Mr. Purefoy. The evidence in this case was to the following effect:—It appeared that Owen Mulherin, a farmer near Windsor, and Catherine, his wife, left home for the purpose of attending the Windsor Races on the 18th April last, and the prosecutor remained to see that they were late. When they returned home, he said to the shop boy, “ Come with me, we will go to the police station.” The boy followed him, and in their walk were passed by three men, who turned their faces from them, as if wishing not to be seen; they reached their premises between the hours of one and two in the morning, the moon shining bright at the time; on approaching the gate, they saw two men with long knives. Mulherin spoke to the men, and immediately the two men and himself were knocked down—the wife by a man violent stab in the face with a stick, which killed him, and covered her with blood; the prisoner at the bar was sworn to as being the man, and who turned her over, tore her clothes open at the bosom, and took her money, amounting to eighteen or nineteen shillings; one of the men knelt on the husband, whilst a third came out of the bush, and took what was left in the prosecutor's pocket; Mullen was an old man, and was not strong, dying just before the occurrence, but she had enough to carry his wife home after she had been so severely wounded and left speechless. It appears also that the prisoner Murphy visited the prosecutor and wife the next day, and tried to induce them not to proceed against him, offering to send a doctor.

The prisoner in his defence called three witnesses to prove an alibi, but their evidence did not satisfy the Jury. Several gentlemen attended and paid the prisoner a good character for several years.

The Jury retired for some time, and returned with a verdict of guilty, but recommended the prisoner to mercy on account of his previous good conduct.

The sentence was, that the prisoner be imprisoned for three years.

The above trial excited a great deal of interest, especially among the Windsor people, and lasted nearly all day, during which time the Court was occupied.

George Macdonald, Penrith, was charged with entering the dwelling house of Henry Perry, on the Penrith Road, and stealing therefrom sundry articles of bedding, &c., and among the rest a jacket, which was subsequently found with the prisoner. The case was clearly proved, and the prisoner was remanded by the Chairman that he had just been received from that Court, and that he was now sentenced to serve twelve months' iron.

Margaret Jackson, of Windsor, pleaded guilty to a charge of stealing shoes on the 5th of April last, from George Haywood, boot and shoemaker, of Windsor. The case was proved against the prisoner, but several witnesses were called who gave her a most excellent character for a number of years.

The Jury found her guilty, but recommended her to mercy. Sentence, two months' hard labour in gaol.

DOMESTIC INTELLIGENCE.

INSOLVENT COURT.

TUESDAY.

Bronx Hon. Sir ALFRED STEPHEN, and a Jury of four.

CRAIG E. WILSON.

Mr. BROADBENT said, that this was an action for false imprisonment, and to which the defendant had not pleaded. He said it was a gross case, and one that ought to be marked by the Jury in giving exemplary damages. It appeared that the plaintiff kept a store at Grange, in the Clarence River district, and that the defendant was a Clerk of the Bench held there. The latter imagining that the plaintiff had committed perjury, caused him to be arrested, and was taken before the Bench, and committed to jail. The plaintiff was released, and the defendant was remanded to the Attorney-General, as to the bail, that he might be tried for the same. The plaintiff was taken by habeas corpus refused to stand it. However, ultimately the Attorney-General refused to prosecute, and the plaintiff was then released from his incarceration.

After His Honor had summed up, the jury without retiring, assessed the damages at £100.

Mr. SMITH was the plaintiff's attorney.

HANWELL & ELIA WILLIAMSON AND ANOTHER.

Mr. PARKER for the plaintiff, said, this was an action by the plaintiff to recover a bill of costs against the defendant for work and labour done upon her retainer. She had pleaded, simply denying the debt. It appeared the amount claimed was only £12 6s. 9d., and was incurred as follows:—The plaintiff had been the solicitor of the defendant for some time, and as such had been transacting some business for her in the Court of Common Pleas, and defendant owned the plaintiff's sum of money. To pay off (the principal amount did not appear) and other small debts to other persons, the defendant wrote an order for £28 upon Mr. Norton, the solicitor, in favour of our Hercules Watt, entrusting him with the payment, on her behalf, of the plaintiff's and the other persons' claims. Watt got the order cashed, but instead of paying these debts, pocketed that proceeds. The plaintiff again went to her client, and eventually it was discovered that Watt had not been honest. However, when taxed with his dishonesty, he resorted to lying, saying at the time he never got the money from Mr. Norton, and at others, that he had paid the plaintiff's claim on the defendant out of the proceeds. This the plaintiff denied. To recover back this sum of £28 from Watt, the now defendant sued him, and the now plaintiff, as her attorney, prosecuted the action, and in respect of the costs of that suit, the plaintiff sued him to recover the amount of costs he sued him for, and the defendant's retainer of the plaintiff, and letters of credit were put in and relied upon.

Mr. ALLEN could at least see one good reason for voting constitutionally in favour of the motion of the honorable Colonial Secretary. That honorable gentleman had told them that a petition against the election of one of the members of that House was to be referred to the court—that in fact there was a case pending. Would the Council yield the whole enquiry into this case into the hands of the Government? Would they consent that one of their own members should be tried without doing him as much justice as they were able? And yet this was what honorable members on the other side proposed to do.

The COLONIAL SECRETARY would only offer a few remarks in reply to the objections that had been made to his motion, and he had the honour to propose to the House, if he understood the argument of the honorable gentleman opposite, and particularly that of the honorable member for Cook, it was that the majority of the members of this court were elected by officers of the Government, one by the Chief Justice, and two by the Governor, and that that appointment by such officers, this taking out of the hands of the Council, to decide by whom other members of the body of disputed elections, illegal and unconstitutional. This, if their arguments amount to anything, was the sum and substance of it. And what was the remedy they had chosen to adopt for it? To make the Government not appoint a part, but to appoint the whole of the members of the court. If the constitution of this Act was so very illegal, why not have brought in an Act to amend the clause under which it was originally constituted? They had not even attempted to be introduced into the Council; and in electing the two members to the court, which the House were only performing a statutory duty—a duty imposed upon them by an Act which had passed into law. If there were any thing unconstitutional in that law, the dignified course would have been to shirk and avoid the law, but to alter it. No doubt, he had been observed by honorable and learned gentlemen on the other side, there was an alternative left to the Government. It might nominate the other members of the court, upon the evidence given, where the nature of the evidence was, that the plaintiff had done some difficulty in the case. Testing the defendant's view of the action referred to in the evidence, in that way, it seemed to him highly improbable that the plaintiff could have been guilty of the charge of perjury, as suggested by the defendant. Why, it might be asked, should he do so? what pecuniary benefit could he hope to derive from such a step? However, it was for them, the Jury, upon the whole evidence, and upon the probabilities of the case, to say whether under the circumstances, the defendant was indebted to the plaintiff or not, and so find their verdict.

The SPEAKER put the motion, and de-

The Jury retired for a short time, and found a verdict for the defendant, and for the plaintiff.

CASE LIST FOR TO-DAY.—Cherryton v. Fisher; Hayward v. Keane.

PARRAMATTA QUARTER SESSIONS.

WEDNESDAY, MAY 16.

Bronx Hon. Sir ALFRED STEPHEN, Esq., GILBERT ELLIOT, Esq., P. M. MATTHEW ANDERSON, G. B. SUTTOR, and J. B. BETTINGTON, J.P.s.

Joseph Asbourn pleaded guilty to a charge of stealing an orange skin mat, the property of Mr. Dunn, innkeeper, of Parramatta. Sentence—six months hard labour in iron.

Margaret Wade pleaded guilty to a charge of breaking an orange skin mat, the property of Mr. Dunn, innkeeper, of Parramatta. Sentence—four months hard labour in iron.

Patrick Murphy, labourer, of Windsor, was charged with a robbery, accompanied by violence. The prisoner pleaded guilty, and was defended by Mr. Purefoy. The evidence in this case was to the following effect:—It appeared that Owen Mulherin, a farmer near Windsor, and Catherine, his wife, left home for the purpose of attending the Windsor Races on the 18th April last, and the prosecutor remained to see that they were late. When they returned home, he said to the shop boy, “ Come with me, we will go to the police station.” The boy followed him, and in their walk were passed by three men, who turned their faces from them, as if wishing not to be seen; they reached their premises between the hours of one and two in the morning, the moon shining bright at the time; on approaching the gate, they saw two men with long knives. Mulherin spoke to the men, and immediately the two men and himself were knocked down—the wife by a man violent stab in the face with a stick, which killed him, and covered her with blood; the prisoner at the bar was sworn to as being the man, and who turned her over, tore her clothes open at the bosom, and took her money, amounting to eighteen or nineteen shillings; one of the men knelt on the husband, whilst a third came out of the bush, and took what was left in the prosecutor's pocket; Mullen was an old man, and was not strong, dying just before the occurrence, but she had enough to carry his wife home after she had been so severely wounded and left speechless. It appears also that the prisoner Murphy visited the prosecutor and wife the next day, and tried to induce them not to proceed against him, offering to send a doctor.

The prisoner in his defence called three witnesses to prove an alibi, but their evidence did not satisfy the Jury. Several gentlemen attended and paid the prisoner a good character for several years.

The Jury retired for some time, and returned with a verdict of guilty, but recommended the prisoner to mercy on account of his previous good conduct.

The sentence was, that the prisoner be imprisoned for three years.

The above trial excited a great deal of interest, especially among the Windsor people, and lasted nearly all day, during which time the Court was occupied.

George Macdonald, Penrith, was charged with entering the dwelling house of Henry Perry, on the Penrith Road, and stealing therefrom sundry articles of bedding, &c., and among the rest a jacket, which was subsequently found with the prisoner. The case was clearly proved, and the prisoner was remanded by the Chairman that he had just been received from that Court, and that he was now sentenced to serve twelve months' iron.

Margaret Jackson, of Windsor, pleaded guilty to a charge of stealing shoes on the 5th of

